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Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

DAWN M MATYSKIEL,

Debtor.

Case No. BK-S-16-14260-ABL
Chapter 7

DECLARATION OF VICTORIA L.
NELSON IN SUPPORT OF MOTION TO
APPROVE SALE OF THE REAL
PROPERTY LOCATED AT 5026
DROUBAY DRIVE, LAS VEGAS,
NEVADA 89122-0000 PURSUANT TO 11
U.S.C. § 363

Date of Hearing: August 17, 2017
Time of Hearing: 11:00 a.m.
Place: Courtroom No. 1, Third Floor
Foley Federal Building
300 Las Vegas Blvd., S.
Las Vegas, NV 89101

Judge: Honorable August B. Landis

I, VICTORIA L. NELSON, declare as follows:

1. I am over the age of 18 years and I am competent to make this declaration. I have personal knowledge of the facts set forth herein, except for those facts stated on information and belief and, as to those facts, I am informed and believe them to be true. If called as a witness, I could and would testify as to the matters set forth below based upon my personal knowledge.

2. I am the appointed Chapter 7 Trustee in the above-captioned bankruptcy case.

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3. I make this declaration in support of the *Motion to Approve Sale of the Real Property Located At 5026 Droubay Drive, Las Vegas, Nevada 89122-0000 Pursuant to 11 U.S.C. § 363* (the “Motion”).¹

4. On August 3, 2016 (the “Petition Date”), DAWN M MATYSKIEL (the “Debtor”) filed a voluntary petition under Chapter 7 of Title 11 of the United States Code [ECF No. 1]².

5. On August 3, 2016, I was appointed as the Chapter 7 Trustee in the Debtor’s bankruptcy case.

6. On August 3, 2017, the Debtor filed her Schedules and Statements that identified an interest in the real property located at 5026 Droubay Drive, Las Vegas, Nevada 89122-0000 (the “Property”).

7. The Debtor's schedules reflect that the Property is currently worth \$135,000, but is subject to a first mortgage lien (the “Senior Mortgage”) in favor of Bank of America, N.A. (the “Senior Secured Creditor”) in an amount exceeding \$125,000.00.

8. The Debtor’s schedules further reflect that the Property is also subject to a second mortgage lien (the “Junior Mortgage”) in favor of Nationstar Mortgage, LLC (the “Junior Secured Creditor”) in an amount exceeding \$28,983.00.

9. On September 20, 2016, I filed a *Notice of Assets and Notice to File Claims Pursuant to Federal Rule of Bankruptcy Procedure 3002(c)(5)* [ECF No. 14], which established December 20, 2016, as the deadline to file proofs of claim.

10. On January 13, 2017, I filed an *Ex Parte Application to Employ BK Global Real Estate Services and Affiliated Local Brokerage Firm to Sell Certain Real Property and to Pay*

¹ Unless otherwise indicated, all chapter and section references are to the Bankruptcy Code, 11 U.S.C. §§ 101-1532, and to the Federal Rules of Bankruptcy Procedure, Rules 1001-9037. The Federal Rules of Civil Procedure will be referred to as “FRCP” and the Federal Rules of Bankruptcy Procedure will be referred to as “FRBP.” The Local Rules of Practice for the United States Bankruptcy Court for the District of Nevada shall be referred to as the “Local Rules”. All defined terms shall have the meaning ascribed to them in the Motion unless set forth herein.

² All references to “ECF No.” are to the numbers assigned to the documents filed in the above-captioned bankruptcy case as they appear on the docket maintained by the clerk of the court.

1 *Commission Pursuant to 11 U.S.C. §§ 327(a) and 328(a) and Federal Rule of Bankruptcy*
 2 *Procedure 2014* [ECF No. 27], which sought to employ BK Global Real Estate Services
 3 (“BKRES”) and Simply Vegas (the “Listing Agent”) to market and sell the Property and negotiate
 4 a bankruptcy release fee for the Debtor’s bankruptcy estate.

5 11. On January 18, 2017, the Court entered an *Order Granting Ex Parte Application to*
 6 *Employ BK Global Real Estate Services and Affiliated Local Brokerage Firm to Sell Certain Real*
 7 *Property and to Pay Commission Pursuant to 11 U.S.C. §§ 327(a) and 328(a) and Federal Rule of*
 8 *Bankruptcy Procedure 2014* [ECF No. 31].

9 12. BKRES and the Listing Agent have successfully located a buyer for the Property
 10 and have negotiated the terms of a short sale that will result in the Debtor’s bankruptcy estate
 11 receiving a bankruptcy release fee in the amount of \$7,550 (the “Bankruptcy Release Fee”).

12 13. The specific terms of the sale transaction are detailed in a purchase agreement (the
 13 “Purchase Agreement”) whereby the Property will be sold to Jeffrey B. Ader (the “Purchaser”) for
 14 the sale price of \$143,500. A true and correct copy of the Purchase Agreement is attached hereto
 15 as **Exhibit “1”**.

16 14. The Senior Secured Creditor has agreed to accept a payment in the amount of
 17 \$124,614.70. The Junior Secured Creditor has agreed to accept a payment in the amount of \$6,000.
 18 A true and correct copy of the preliminary HUD-1 for the sale of the Property is attached hereto as
 19 **Exhibit “2”**.

20 15. As of the filing of this Motion, the Debtor’s creditor body is \$17,434.29.

21 16. The sale of the Property is in the best interests of creditors because it will result in
 22 the Debtor’s bankruptcy estate receiving sufficient funds to pay a significant percentage of the
 23 proofs of claim filed in the Debtor’s bankruptcy case.

24 17. Specifically, the Bankruptcy Release Fee is approximately forty-three percent of the
 25 of the total proofs of claim that have been filed in the Debtor’s bankruptcy case.

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